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- A.—(a) There are now three officers of the Revenue Department below the grade of Deputy Collector who have been appointed Assistant Registrars.
- (b) One.
- (c) There is no distinct cadre recognized 'as non-Deputy Collector Assistant Registrars'.
- (d) No invidious distinction in grade is made. All Assistant Registrars who are not permanent or acting Deputy Collectors are paid Rs. 250 per mensem.
- (e) The Government have not yet considered the question.

Muhammadan Deputy Collector Assistant Registrars of Co-operative Societies.

103 Q.—MR. MUHAMMAD MOOSA SAIT: With reference to answer given on 21st August 1924 to question No. 325, will the hon. the Minister for Development be pleased to state why no steps were taken to recruit any other qualified Muhammadan as a Deputy Collector Assistant Registrar of Co-operative Societies, when the one recruited did not continue to work?

A.—The hon. Member is referred to the answer given to question No. 1549 in December 1924.

The position of the District Central Co-operative Banks.

104 Q.—MR. G. RAMESWARA RAO: Will the hon. the Minister for Development be pleased to state—

- (a) whether it is the policy of the Government to develop the District Central Co-operative Banks to the position of the branches of the Imperial Bank and do all the transactions of the Government through the former; and
- (b) what steps have been taken or proposed to be taken to achieve the end?

A.—(a) No.

(b) Does not arise.

II

MOTION FOR ADJOURNMENT OF THE BUSINESS OF THE HOUSE TO
DISCUSS THE HINDU RELIGIOUS ENDOWMENTS ACT.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I beg to ask leave to make a motion for adjournment of the business of the Council for the purpose of discussing a definite matter of urgent matter of public importance before the list of business for the day is entered upon to-day, arising out of the situation created by the assent being given in a half-hearted way to the Hindu Religious Endowments Act, 1925, by His Excellency the Governor-General, to wit, that no part of the Act shall be brought into force or put into operation anywhere in this Presidency until the said Act is considered by His Majesty in Council under section 82 of the Government of India Act and unless and until it is amended in a manner indicated by His Excellency the Governor-General and otherwise so as to rid it of all its objectionable features."

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* The hon. the PRESIDENT :—" I have to be satisfied that the matter proposed to be discussed is in order. First of all I should like to know if the hon. Member has not received any communication from the Secretary."

Rai Bahadur T. M. NARASIMHACHARLU :—" I was going to say that, Sir. I received a communication from the Secretary yesterday that in consequence of a motion having been tabled by the hon. Member Mr. Sami Venkatachalam Chetti which appears as No. 25 among the balloted motions, in consequence of that you were pleased to indicate to me that my motion will not be in order as it would anticipate another motion notice of which has been previously given. May I submit, Sir, that, long before Mr. Sami Venkatachalam Chetti sent notice to you, I had sent my notice to you on this matter? Secondly, I find, Sir, in the agenda, non-official motions are not put down for discussion. The agenda circulated to us yesterday continues also for to-day. Thirdly, it may be that Mr. Sami Venkatachalam Chetti's motion may not at all come up. Because it stands as the last but three in the agenda of non-official business and only two days are allowed for the discussion of non-official business. Lastly, from the way in which the Act is sought to be enforced, from the way in which the recruitment of the Commissioners is sought to be made, there is a good deal of alarm raised in the minds of the public. So, I have on these grounds to request that you will be pleased to revise your opinion and allow the motion to come up."

* The hon. the PRESIDENT :—" I understand that the hon. Member rests his claim to have this matter considered first of all on the fact that he gave the Secretary notice long before the hon. Member Mr. Sami Venkatachalam Chetti gave notice. But the hon. Member's notice dates only from the moment when he mentioned it to-day after question-time. We have had some trouble over such notices given in anticipation of actual motions and it seems to me best for us to act on the notice as one given at this moment. But the other point, viz., that it does not anticipate a resolution which is likely to come on for discussion in the present meeting, is one to be considered. I quite admit that there is no chance of that resolution coming on at this meeting. In that case the hon. Member would have a right to have his motion considered. It is generally understood that this objection of anticipation has to be worked with reference to the probabilities of anticipation. Mr. Sami Venkatachalam Chetti's motion stands third from the end and two days have been set apart at this meeting for the discussion of non-official business including resolutions."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I just have information whether notice of motion includes notice of resolution or it is only a notice of adjournment? If that is so, it is not a question of anticipation at all. It may be with respect to any motion of which notice has been given irrespective of the fact of its coming up."

* The hon. the PRESIDENT :—" In practice the rule is not meant to operate in cases where the anticipated motion has a very remote chance. I think there is something in what the hon. Member from Cuddapah says and if he would mention it to-morrow morning I will give a ruling. I would like to know whether the hon. Member agrees to wait till to-morrow morning."

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* Mr. T. R. VENKATARAMA SASTRIYAR :—" There is yet another objection to it apart from the one mentioned by you, Sir. I do not know if it is the desire of the House that that objection should be mentioned now or to-morrow."

The hon. the PRESIDENT :—" The Council would like to hear it now."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" The Governor-General has given his assent to the Bill. That having been done, there is no power reserved to anybody to say that particular steps should not be taken or should be postponed to any future date until something else happens. Therefore, this motion, that is, a recommendation that steps be not taken until the Act is considered by His Majesty in Council, is not one that could be acted upon by anybody, the Governor or the Governor-General. Whether, in these circumstances the motion could be made, is a matter for your consideration."

Rai Bahadur T. M. NARASIMHACHARLU :—" It is always open to the Government to commence a particular statute whenever they like. They may stop for some time without actually bringing it into force. As that position is always open to the Government, my request is that this Council recommends to the Government not to begin the bringing of the Act into force for some time. I only want the discretion of the Government to be exercised in favour of postponing it."

Mr. S. SATYAMURTI :—" May I say one word, Sir? I do agree with my
12-15 p.m. hon. Friend that there is no power on earth except the
Secretary of State to suspend the operation of the Act after it becomes law. But the Act which has become law casts certain duties and obligations upon various persons. One of the first duties to be performed by the Government before this Act can come into practical operation is the appointment of the President and commissioners of the Board. Now, Sir, the Government have taken some time—I do not know how long, it may be weeks—since the Act came into force. So far as we know, they have not appointed either the President or the commissioners and it seems to me it is perfectly open to the Government to say that they will not appoint these commissioners and the President until the signification of the pleasure of His Majesty is communicated. I see no objection in law to the postponement of these appointments. I think the motion is perfectly in order."

* The hon. the RAJA of PANAGAL :—" May I say, Sir, that the appointment has already been made?"

* Mr. T. R. VENKATARAMA SASTRIYAR :—" It will be a dereliction of duty on the part of those directed to give effect to the enactment that has come into force, to delay it any longer than is humanly necessary. Strictly speaking, on the date the Act comes into force, the machinery by which it has to be given effect to must be ready. I know that some time has been taken and that some time is necessary. But merely because some acts have to be done and they take some time, you cannot ask those on whom duties are cast by the enactment to stay their hands until such time as His Majesty can signify his assent, for which two years is fixed. If within the period of two years, His Majesty is moved to refuse his assent to the Bill

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and to declare that the Bill shall have no legal effect, then of course the whole enactment ceases to have effect."

*The hon. the PRESIDENT:—"It must be obvious to hon. Members that in the circumstances explained by the Advocate-General and the hon. the Minister for Local Self-Government the terms of the notice have to be varied; they will not exactly be the same as those of which the hon. Member gave notice this morning. So he would also benefit by being able to renew the notice to-morrow morning."

Mr. S. SATYAMURTI:—"May I ask the hon. Minister for Local Self-Government to say who the president is that has been appointed?"

The hon. the RAJA OF PANAGAL:—"Sir, Sadasiva Ayyar."

Rai Bahadur T. M. NARASIMHACHARLU:—"Am I to renew my notice to-morrow or modify it. . ."

*The hon. the PRESIDENT:—"I thought that the hon. Member understood that he would have another opportunity of giving notice to-morrow, and I have no doubt that in the circumstances explained by the hon. Members on the Government side he would modify the terms of his notice."

III
COMMUNICATIONS TO THE COUNCIL.

With reference to the answers given to question No. 926 at the meeting of the Legislative Council held on the 18th October 1924, the Secretary laid on the table a statements showing the number of persons imprisoned, deported or otherwise dealt with in connexion with the Agency fituri.

IV
DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1924-25.

Grant XXX.

The hon. Rao Bahadur Sir A. P. PATRO:—"Sir, I beg to move:

'That the Government be granted an additional sum of Rs. 30,000 under "41. Civil Works—Transferred for expenditure on constructing a temporary roadway across the Coleroon at Trichinopoly, the amount being met from the reserve provision of Rs. 6,95,700 under 47. Miscellaneous—Miscellaneous and Unforeseen charges—Grant XXXV.

"Sir, the motion which I have submitted for the consideration of the House will, I have no doubt, be acceptable to all Members, for the necessity for building up a roadway across the Coleroon was repeatedly urged in this House. The masonry bridge at Trichinopoly collapsed during the abnormal floods in July 1924. Pending construction of a permanent bridge across the river a temporary roadway is urgently required for trade purposes. The Collector wrote that immediate steps might be taken for the construction of a temporary bridge for the use of the public. He added that the Sappers and Miners had much greater experience than the Public Works Department officers in this kind of bridge construction and it might be possible to get it carried out by the Military department. Reference was made to the

* Printed as Appendix II on page 260 infra.

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Military department, and that department forwarded Major Hamilton's report regarding the possibility of a temporary bridge over the Coleroon at Trichinopoly. The Chief Engineer has considered the recommendations made by the Superintending Engineer, Trichinopoly Circle, and the District Board Engineer. With reference to the District Board Engineer's suggestion to make a roadway bridge, the President, District Board, replied that a bridge over the Coleroon is wanted more in the hot season than in the season of floods and it was very difficult to cross the river owing to the inordinate heat of the sand. After careful consideration, the Chief Engineer recommended that a roadway may be made for six months in the year from January to June, 18 feet wide and 6 inches thick, and that the bricks from the debris of the old bridge can be used for the purpose. For the reasons given by the Collector, and as suggested by Major Hamilton, a party of Sappers and Miners was requisitioned for putting a roadway. - Rupees 30,000 will be required for the first year and Rs. 50,000 for the next year. The cost will be more in subsequent years because it will be necessary to make a roadway in a more substantial manner. The construction of a new bridge over the river is not likely to take more than two years if materials are collected. In the above circumstances, it is proposed to make a provision of Rs. 30,000 for 1924-25 and Rs. 50,000 for 1925-26 under Civil Works. I therefore request the House to vote this grant."

Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, as a Member of the Finance Committee I gave my assent to this grant with very great reluctance. My reasons are these. It seems to me, Sir, that it is an extraordinary proposal to spend over a lakh of rupees in putting up a pavement on the bed of a river only for the hot season which will be washed off during the rainy season. There are several other places suffering from want of causeways or bridges. Spending such a large sum on this roadway is quite unnecessary. But my hon. Friend from the district of Trichinopoly persuaded me that it was really a difficult matter for people to cross the river during the hot months and the bridge was quite necessary. Now I want to suggest to the hon. the Minister one or two difficulties which struck me in connexion with this question. This temporary road is going to be put up after the floods have disappeared. Probably it will take a month or six weeks to put up this road, and it is going to be used for a few months and then the whole thing is to be washed off. Is the hon. the Minister satisfied that the work will be carried properly and economically? Is the hon. the Minister satisfied that proper supervision will be exercised over the conduct of this work, that the amount voted for by this Legislative Council will be properly spent? Is he also satisfied that the necessary scrutiny will be made by the Engineering department? Secondly, how is this going to be worked? The hon. the Minister just now said that it was a point which was not placed before the Finance Committee. I understand that it is going to be worked out departmentally. But, from the statement of the hon. the Minister, I find that Sappers and Miners have been imported from Bangalore and they have been asked to do the work. Is that the policy of the Government? What sort of inspection are they going to have over this work? How is the quantum of work to be judged?"

"Then again, Sir, there is another point which seems to me to be very necessary to consider in this connexion. The hon. the Minister said that Rs. 30,000 would be wanted for this year and Rs. 50,000 next year. That

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will carry us for a period of two years, or rather, a period of $1\frac{1}{2}$ years; for I believe most of this demand will be spent before March 1925 and the other Rs. 50,000 will also be spent before March 1926. That is to say, within fifteen months Rs. 80,000 is going to be spent. The hon. the Minister said that it is expected that the bridge will be ready in two years. Even granting that the bridge will be ready and that his prophecy will be correct—the prophecy of the Engineering department is a thing in which I have no belief—even granting that, I do think that the hon. the Minister will have to come up again for another Rs. 50,000 for 1927. So that my Friend from Trichinopoly may take consolation in the fact that this Legislative Council is so generous as to allow them Rs. 1,30,000 for a temporary pathway which will be nowhere at the end of March 1927.

“ Now, has the hon. the Minister made any attempt to ascertain that this bridge will come into existence within a period of two years? I believe that it is in connexion with this bridge that some tenders have been invited; and I take it that the only course where you can guarantee that the work is done in time is to do it not departmentally but through efficient contractors. I want to be assured by the hon. the Minister that this big work is given over on contract. I want also to ask the hon. the Minister whether he is prepared to consider or recommend those tenders from the Chief Engineer? Under the Code, the Chief Engineer is empowered to accept tenders. The House is aware that recently in connexion with the Coimbatore water-supply a great many questions were asked on the floor of this House. The hon. the Minister had to reply that all this was accepted by the Chief Engineer and he was not in a position to give any satisfactory answers. In view of that I do suggest to the hon. the Minister that before the head of the department accepts the tenders, whatever the powers of that department may be under the Public Works Code, it will be proper—if he is to discharge his responsibility to this House and not again to be faced by a host of questions on this subject—for him to see that his approval or the approval of the Government is given before any tender is accepted by the Public Works Department. I raise this question because this is the only stage in which I can raise it. As I said it was with very great reluctance that I gave my consent to this. I do think that that spending Rs. 1,30,000 or possibly a couple of lakhs, because I venture to prophesy that we are not going to see the bridge before March 1926, however much it may suit the convenience of the urban residents of Trichinopoly and Srirangam, is a subject which this Council cannot vote with equanimity. And I do venture to think that the hon. the Minister will bear these circumstances in his mind and see these points are enforced as early as possible.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ As regards the first point raised by the hon. Member from Chingleput I may say at 12-30 p.m. once that the Public Works Department are very active in the matter and they have taken all possible care in putting up the causeway. They have got the assistance of the Military department. It is on the basis of the report of the Military officer that the work was carried out. The work was begun on 1st September 1924, and the House will be glad to know that the pathway is now open to traffic. It was expected that the work would require Rs. 30,000, but I have now received a report from the Superintending Engineer, Mr. Mullings, who personally supervised the whole work, that it has cost only Rs. 20,000. Therefore the House will see that the Public

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Works Department has been paying attention both to economy and efficiency. As regards the question whether in future this work would cost more, I must say that the Government have resolved to give the work on the lump sum contract system. Therefore it will be entirely under the supervision of the Superintending Engineer and the Executive Engineer on the spot to carry out the work as expeditiously as possible. There is no reason to suspect that in future years this demand will be in excess of the present demand. Every possible care is taken by the Superintending Engineer because no other officer is allowed to supervise the work carried out by the Military department. He has given details of the way in which the work is carried out. Therefore I can assure the House that the work is carried out satisfactorily. I am sure the hon. Member from Chingleput will be glad to see that the work being now complete very great impetus has been given to commerce and trade in that locality. Though it is only a temporary causeway it is very useful to the people of that locality. As I read out an extract from a letter of the President, District Board, Trichinopoly, he says it is most necessary during summer though in floods it will be washed away. It is absolutely necessary under the circumstances till we put up a permanent bridge. The circumstances are such that a causeway has to be constructed every year."

Diwan Bahadur M. KRISHNAN NAYAR :—"From the statement of the hon. the Minister it is clear that the work is complete and that it has cost only Rs. 20,000. That being so, I want to know why the hon. the Minister wants Rs. 30,000 for a work which has been completed with Rs. 20,000."

The hon. Rao Bahadur Sir A. P. PATRO :—"The Superintending Engineer has reported that Rs. 20,000 has been paid up to date to the Sappers and Miners. There may be other minor things necessary to complete the causeway."

Mr. K. KOTI REDDI :—"I am sorry that there is no dissentient voice from the parts of the Presidency which are favoured more by the sun than by the rain. Sir, it might be that to spend a sum of more than a lakh of rupees to construct a temporary causeway might serve the traffic of that place, but I think it is a sheer waste of public money to spend such a large amount on a temporary causeway. Sir, we people from the Ceded districts have been complaining for years past to have some grants from the Government to put up not temporary but permanent causeways costing less than a lakh of rupees, and the answer has been that the Government was not in a position to grant that sum. The river Pennar is perhaps four or five times broader than the Coleroon."

Rao Bahadur T. M. NARASIMHACHARLU :—"It is one mile and 4½ furlongs broad."

Mr. K. KOTI REDDI :—"Perhaps it is because the Trichinopoly people are accustomed to have such conveniences that the Government is so liberal towards them. I do not grudge them that convenience, but should not the Government pay some attention to and not neglect people who have not been accustomed to such conveniences? I therefore oppose the demand on this ground that such a large amount of public money ought not to be wasted on a temporary causeway for the benefit of the people of a particular locality."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, this is the most fitting opportunity which we can take for eliciting from the hon. the Minister a statement of the policy underlying these grants. I am not opposing

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this grant. I think it is our duty to help the construction of causeways whether it is in our district or in another. Still, we request that the Government may lay down a policy for the purpose of enabling other districts also to have such causeways. That is what we want to consider. It will be remembered that some years ago the Government issued a circular to the various local boards asking them to send up proposals for the construction of culverts and bridges within a radius of 100 miles from the City of Madras. For all the first class or trunk roads the Government are bearing the maintenance charges and contributing not less than Rs. 500 per mile according to the expenditure incurred on them. The Government received a few replies to their circular. Various district boards employed a special staff for the purpose and had investigations carried on. They sent up estimates to the Government from time to time. When His Excellency Lord Willingdon visited some of the districts His Excellency was pleased to give the sympathetic reply that the 100 miles radius should be extended to 110 miles. All that took place some years ago. We have not yet heard what the Government have done. Time after time representations have been made and money spent on investigations. Notwithstanding that, the Government have maintained perfect silence. They have not even the courtesy to say whether or not there is any chance of any further help being given in the direction of the construction of culverts and bridges within a radius of 100 miles from the City of Madras. I wish to have a statement of policy from the hon. the Minister before we are called upon to vote this demand. I wish to impress upon the Government the mistake of solving this question piecemeal and not as part of a definite policy. I wish them to lay down a clear policy for the guidance of all concerned. I would like to know whether the Government have, after sending out the circular referred to by me, come to a different conclusion. Almost all of the district boards sent up proposals in reply to the Government circular. I request the hon. the Minister to tell us whether any reply was given in regard to their proposals. I wish the hon. the Minister to tell us whether he proposes to do anything in the direction before he calls upon us to give our vote to this grant."

* Rao Bahadur C. NATESA MUDALIYAR :—"I associate myself with my hon. Friend, Mr. Krishna Rao, in asking Government to lay down a policy in regard to this matter. Because, within 100 miles from Madras there are many rivers in the Chingleput district without a causeway. We have often petitioned to the Government and to the district board about the want of causeways, but nothing has come out of it. Of course the Government cannot understand the difficulties the people are experiencing in times of flood when passing from one village to another and sometimes from the railway station to their homes. I hope the Government will lay down a policy and see that the difficulties I have mentioned are redressed in the Chingleput district."

* The hon. Rao Bahadur Sir A. P. PATRO :—"Sir, with regard to the correspondence with the district boards about the 100 miles radius and with regard to the necessity to lay down a policy in relation to trunk roads, the Public Works Department has absolutely no concern. If information was called for, I am sure the Local Self-Government Department will be able to supply it and when funds are available the matter will be taken up for consideration. There is no use of laying down any principle or policy with regard to this particular matter. This is an emergent work—the question of

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flood damages. This has nothing whatever to do with what the hon. Member from Chingleput was saying. He complained that in his district certain work was not executed and he said that in the matter of the trunk roads a policy should be laid down. I am afraid I cannot assure him of any policy on this occasion because the whole matter has been dealt with as an emergency measure. There is one other thing I have to say while on this matter. I do not see if this principle is accepted why only districts within a radius of 100 miles should be dealt with? All districts have a right to expect their grievances to be redressed."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am afraid the hon. the Minister has not understood my point. I only said that since culverts, etc., within a radius of 100 miles of the city of Madras have already been proposed to be constructed, they might be dealt with first."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"If I remember right, the Government asked all district boards to prepare estimates for the construction of bridges and culverts on all trunk roads and the Coimbatore District Board submitted its estimate. I do not know if the Government have committed themselves to construct the culverts, etc., within a radius of 100 miles from the city of Madras at any time. If they have done so, it will evoke protests from the district boards which will be affected thereby."

The hon. Rao Bahadur Sir A. P. PATRO:—"I am glad the hon. Member from Coimbatore has answered the hon. Member from Nellore. It is not a matter concerning the culverts, etc., within a radius of 100 miles only from the city of Madras. It is a matter affecting the whole province and has to be examined by the Local Self-Government Department in regard to trunk roads over which at present the Public Works Department have not much control. Therefore, I am not able to lay down any policy or make a statement with regard to the points raised by the hon. Member from Nellore. So far as this grant is concerned it is for the repair of damages caused by floods."

Mr. T. M. NARAYANASWAMI PILLAI:—"Mr. President, Sir, I came from Trichinopoly and it is my duty to protect the interests of the people of that place. The hon. Member from Chingleput began by saying that the cost was too great though he was at the end satisfied with the necessity for the work. He was anxious that some more scrutiny must be had in respect of the execution of the work. We have no doubt to be grateful to the Members of the Finance Committee as well as to the Members of this House for their generosity in making this grant. But I request them not to praise that generosity too much. It is a work which is of vital necessity to the people of Trichinopoly. Hon. Members of this House cannot adequately appreciate the difficulties which we are put to on account of the collapse of this bridge. It would be seen therefore that this work is a vital necessity to our people and the cost whether Rs. 20,000 or Rs. 30,000, cannot be considered very great. My hon. Friend Mr. Koti Reddi said that we should not have a
12-46 p.m. causeway across the Coleroon because there is no causeway across the Pennar. I am not one of those persons who are against the construction of any causeways. I do not know how my hon. Friend brings to bear the absence of a causeway across the river Pennar upon the question of constructing a causeway across the river Coleroon. Trichinopoly is situated at the southern end of the Cauvery, having three-fourths of the town towards the other side of the river Coleroon.

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Trichinopoly is in that way affected by the absence of a causeway across the river Coleroon. Without a bridge it is impossible for the people of Trichinopoly to carry on their traffic.

“One of the difficulties pointed out against resettlement of the Trichinopoly district was that it did not have a proper communication, and the collapse of the bridge was a great obstruction in that way. If the causeway is restored, Government would be recouping their loss of revenue to a very great degree. In this connexion may I ask what is the amount of revenue which the Government are getting from Trichinopoly district; and, comparing the revenue which is derived from this district with that which is obtained from other districts, is it not fair that the district which contributes more should also derive more benefit than a district which contributes less?”

Mr. B. MUNISWAMI NAYUDU :—“If a place like Cuddapah should not ask for a permanent causeway, I do not know how a grant for the construction of a causeway across the river Coleroon can be sanctioned. I think the amount spent will be a mere waste to the Government.”

Mr. T. M. NARAYANASWAMI PILLAI :—“I am at a loss to understand how this expenditure will be a waste to the Government. If, on account of the construction of this causeway, the Government were to gain something by way of taxation, how would it be a waste of money? I submit, Sir, it is not waste of money. As already mentioned, it is a question of necessity. Sir, there is a gate at the head of the river Coleroon which is earning Rs. 40,000 through the district board. There will be no difficulty for that gate being taken over by the Government, and thus the cost of constructing this causeway can be recouped by the income derived from that gate.”

* The hon. the RAJA OF PANAGAL :—“My hon. Friend wants to deprive the poor district board of this income.”

Mr. T. M. NARAYANASWAMI PILLAI :—“I only submit that Members of this House should realize that the construction of this causeway is a matter of vital necessity. We must have a causeway till there is a permanent bridge. Of course, I am anxious that every scrutiny should be made by the Public Works Department in this direction, and I am thankful to the Public Works Department officers for the rapid manner in which they executed this work and opened it before the 1st January. I am sure it will not be more than Rs. 50,000 for the next year, and I hope hon. Members will be generous in giving their vote for this sum until we have a permanent bridge.”

Mr. S. ARPUDASWAMI UDAYAR :—“Some of the hon. Members seem to think that the money, if spent, as my hon. Friend Mr. Munuswami Nayudu said, is a sheer waste. I may assure hon. Members of this House that there is not any likelihood of the causeway being washed away wholly or partially unless we happen to have floods in an unprecedented scale as we had last year. Secondly, the causeway is an absolute necessity for reasons already given, and there is no fear of money being wasted.”

Rai Bahadur T. M. NARASIMHACHARLU :—“I cannot understand why the hon. the Minister for Education is moving this grant. It is a matter which relates to roads, and therefore the hon. the Minister for Local Self-Government should move this grant.”

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The hon. Rao Bahadur Sir A. P. PATRO :—" The answer is simple. The matter relates to Public Works and I therefore move it."

The demand was put and carried and the grant was made.

Grant XXXIV.

The hon. Rao Bahadur Sir A. P. PATRO :—" I beg to move :

' That the Government be granted an additional sum of Rs. 4,300 under " 46. Stationery and Printing "—Transferred, towards the cost of preparation of certain registers required in connexion with a scheme for the improvement of indexes in the Registration Department, the amount being met from the provision under " 9. Registration—Grant VI ".'

" The amount is intended to be met by reappropriation. There have been a large number of applications for search of encumbrance certificates. During the last ten years, from 1914-1923, the increase is from 20,108 to 75,657. This enormous increase for general search and encumbrance certificates necessitates an alteration of the index register. Now there are twelve registers maintained in the Registration Department. Some of these registers relate to revenue survey numbers of the village and others relate to information contained in other registers. In order to get the information required by the applicants for filling up encumbrance certificates, about nine registers have to be referred to now. The change is intended to alter the form of the register in such a manner as to simplify the work into four registers, and the forms are also so adjusted that at a glance it can be seen whether a particular survey number has undergone any encumbrance or permanent alienation. By a perusal of the index number you can at once note down the various changes with regard to a particular survey number. It is proposed therefore that these index registers should be altered and supply each village with these registers containing transactions for about 30 years. The total cost of this scheme will come to Rs. 1,00,000 for a period of 25 years, while the cost of the existing index will have amounted to Rs. 2,30,000. Therefore a saving will be effected by this new scheme, not to speak of the relief that will be given to the staff by the simplification of the procedure. This amount is required to have proper forms printed and supply them to the various sub-registration offices in the Presidency. If we find the scheme to be successful, we shall carry it on on a larger scale. It is to take more advantage of the practice of registry that we want this new form and for this purpose we want this grant."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether the fees that are collected from the public for search and encumbrance certificates will be reduced ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That is a matter which will be considered after working for a number of years."

Mr. A. RANGANATHA MUDALIYAR :—" This is a matter pertaining to some extent to the record or the registry of rights."

The hon. Rao Bahadur Sir A. P. PATRO :—" I may at once say that this has nothing to do with the problem of the record of rights."

Mr. A. RANGANATHA MUDALIYAR :—" Has the Revenue Department given its opinion in regard to this matter ? "

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The hon. Rao Bahadur Sir A. P. PATRO:—"I submit indexing has nothing to do with the Revenue Department, and the file has been perused by the Revenue Department."

The demand was put and carried and the grant was made.

Grant XXXVI.

* The hon. Sir ARTHUR KNAPP:—"I beg to move :

'That the Government be granted an additional sum of Rs. 1,24,186 under "Agency Tract". This amount will be met by reappropriation from the reserve provision under grant XXXV.'

"I may first explain briefly that the grant is required in order to enable two taluk boards in the Vizagapatam Agency district and Polavaram District Board to wipe off their existing deficits and make a fresh start. The matter is a little complicated, but the Finance Committee itself has examined the grant and passed it. I may explain the figures in this way : there are three sums, viz., Rs. 76,000, 54,000 and 43,000, making a total of Rs. 1,74,000, which I am now asking the House to approve. But we have already been able to allot Rs. 42,000 by re-appropriation from savings effected, of which Rs. 8,000 will be repaid to Government, on account of medical establishment lent to the boards, and therefore the Government require only Rs. 1,24,186 to meet the proposed expenditure. In order that hon. Members of this House may be able to understand the position I must place certain details before them. The boards concerned are two taluk boards, namely the Koraput and the Parvatipur Taluk Board in Vizagapatam and the Polavaram District Board. The boards came into existence after the abolition of the Agency Division. Prior to that there were four Agency taluk boards. As hon. Members of this House are aware, the revenue derived from the Agency by the taluk boards and the district board is very small indeed and their finances have never been in a very satisfactory condition. The two taluk boards together have a deficit of Rs. 55,000, but I am not asking the Council to meet this deficit as the Vizagapatam Agency

District Board have arranged to finance the taluk boards to that extent by postponing some other work. There is only one concession that I am asking for in the case of Vizagapatam and that is that we should write off a sum of Rs. 49,000 which they owe Government for work done for them by the Public Works Department. We promised in 1921 that we would give them grants-in-aid to meet the bills presented to them on this account, thus adopting a rather circuitous procedure for giving the loan of services of the Public Works Department free of cost to the boards. If we now carry out this promise that will wipe off their deficit and place them in a position of financial equilibrium and enable them to start afresh. The point that I should like to put to the Council—I am sure the Council will agree with me—is that it is fair and reasonable to give the taluk boards a fresh start. We are very anxious to see that in future all the boards of the Agency tracts are kept in a position of financial stability, but it is very difficult to ensure this so long as they start burdened with huge deficits which they partly inherit from other boards and for which they are not, from that point of view, entirely responsible.

"A similar concession to the extent of Rs. 5,400 must be made to the Polavaram District Board. They owe Government that sum for work done

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by the Public Works Department. The suggestion is that it should be written off. The sanction of the Council is necessary as the money is to go from one department to another. In other respects the position of the Polavaram District Board is a less favourable than that of the taluk boards in Vizagapatam. Their deficit amounts to Rs. 76,000, which includes Rs. 8,000 for salaries not paid from the 1st January 1924."

Diwan Bahadur M. KRISHNAN NAYAR :—" Were these officers working after 1st January 1924 ?"

The hon. Sir ARTHUR KNAPP :—" I am afraid that that must be the position. My hon. Colleague reminds me that they have been given special permission to overdraw for the purpose. According to strict canons of financial propriety these taluk boards were not entitled to draw the money.

" There is next a demand for Rs. 43,826 against the Polavaram District Board which they are unable to pay. That demand arises from a wrong adjustment in the accounts made when the Agency Division was established. Certain money which ought to have been debited to the Polavaram District Board has been debited to the Vizagapatam District Board. The mistake was admitted by the Accountant-General and the Polavaram District Board has been asked to pay back the money. The Polavaram District Board has spent the money. I now propose that this debt should be written off, in other words that Government should pay the sum to the Vizagapatam Agency District Board against whom the debt was wrongly set up. Thus, we have the following :—

Rupees 76,220, the existing deficit of the Polavaram District Board ; Rupees 54,624, the amount which represents the work done by the Public Works Department for these boards and against which, as I have already mentioned, Government in 1921 promised a grant-in-aid ; and Rupees 43,826 which is the amount the Polavaram District Board is now asked to repay, the sum having been wrongly placed to their credit by mistake.

" I have already explained that a certain sum has already been reappropriated from other items that are available in the Agency budget. A sum of Rs. 1,24,186 is required in order to start these local boards with a clean sheet. I may remind the House that while these Agency district boards are in some respects not on the same footing as other district boards, nevertheless as the other boards had similar benefactions from the Government to enable them to wipe off their deficits it is only proper that the Agency district boards should be treated on the same terms. What the position is to be in the future it is not possible for me to say at the present moment. That is a matter which will come up in the budget. We are taking it up and we hope to arrive at some understanding which will enable these boards to carry on without deficits. I am not suggesting that their resources will be sufficient to meet all their needs. But there must be a definite understanding which will prevent deficits or overdrawal. The proper time to discuss this matter of the future of these boards is when the budget is presented to the House. All that I am anxious now to do is to make this arrangement for this financial year and to tell the boards that they will never again be allowed to overdraw. The Council will probably recognize that this is the most suitable way of dealing with the question as it exists."

* Diwan Bahadur M. KRISHNAN NAYAR :—" What is the provision under Grant XXXV ?"

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* The hon. Mr. R. A. GRAHAM :—“ It is an amount that was placed in reserve with the Government for certain specific purposes last year. It was mainly for the purpose of repairing damages by cyclone as we could not estimate the actual sum that would be needed at that time. It has not all been used for that purpose.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ What will be the amount unspent ? ”

* The hon. Mr. R. A. GRAHAM :—“ There is now practically nothing left.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ After this grant is made ? ”

* The hon. Mr. R. A. GRAHAM :—“ Yes, including the amount utilized for this purpose.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ May I know whether there will be any sum left after this grant is made ? ”

* The hon. Sir ARTHUR KNAPP :—“ There will be a few thousand rupees after this grant is made.”

The motion was put to the House and carried ; the grant was made.

V

THE MADRAS CIVIL COURTS BILL—cont.

* The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, after what took place yesterday in the Council, and after the speeches that were made, I have had the advantage of consulting a few hon. Members of this House and of considering the position. I take it that the main objection that is formulated in regard to the consolidating and amending Bill is that by adopting that procedure I am, so to say, committing this House to a new measure of a particular shape or texture and that, though not directly, yet indirectly I am making it more difficult for the House later on to decide the questions that are sought to be raised and discussed with reference to section 7 of the original Act, viz., the powers of the High Court in respect of appointments. Let me at once repeat the remark with which I prefaced my observations, viz., that my sole object in coming forward before this Council is for the purpose of enabling provisions to be made such as have been made or sought to be made in clauses 4, 5 and 14 of the Bill, clause 4 enabling the posting of additional subordinate judges and munsifs to courts where there may arise the necessity to post such judges without the correlative or corresponding necessity of establishing temporary courts there, thus making considerable saving in the matter of building rent, establishment and so forth. The figures that have been worked out show that so far as this year is concerned, there will be a saving of Rs. 1,15,000. The economy will be on a progressive scale as we go on and as the system is further applied. It seems to me that we may as well face that question. I am perfectly willing, should the general sense of the House desire that particular method to be adopted, to go forward with the Bill for the purpose of achieving these two or three specific ends, viz., of enabling Government firstly to appoint additional judges to subordinate courts and district munsifs' courts. Clause 5 carries out this idea. Secondly clause 14 deals with the question of giving small cause powers to the courts. I am willing to confine myself to three clauses, viz., clauses 4, 5 and 14. If we are thus to deal with the question, and if that meets with the general approval of

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the House, I can at once proceed to do so and at the same time deal with the technicalities which may arise. It may be put to me that the Select Committee has considered the whole Bill and has come out with a consolidating enactment and that I cannot make it an amending enactment. It seems to me that this is only a matter of technicalities. If the House is of opinion that it does not want to discuss the question of the High Court and its jurisdiction and its powers here and now, the easiest way of dealing with it is to treat this as an amending Bill and not a consolidating and amending Bill and deal with each appropriate section by giving up those other sections which have been dealt with in the Select Committee. I do not want to dilate upon the procedure. Thus in effect we may deal with clauses 4, 5 and 14 which embrace the points on which I desire to concentrate. I am putting forward that proposition and making that plea as I do not want it to be said that I am forcing the hands of the Council on a larger question of policy, directly or indirectly or by implication. If that course is accepted of dealing with these particular clauses with the amendments that have been suggested in regard to them, we may finish the Bill before the day is out.

“If, on the other hand, the House would rather have the whole Bill gone through, it is for the Council to decide. So far as I am concerned, speaking on behalf of the Government, I am perfectly willing to deal with the matter and apply the remedy just to the extent to which the remedy is actually called for. Moreover, the reason why a consolidating form was adopted was this. There have been a series of amendments to this Act from 1873 onwards, and now that there is an opportunity, it was thought that we might consolidate all these together and have a new Act so to say beginning afresh. But if that does not commend itself to the House, the other course is open to them. I would therefore, Sir, with your leave, invite discussion so that we might arrive at a decision. It is that aspect that I want to put forward before the House.”

Mr. A. RAMASWAMI MUDALIYAR:—“Mr. President, Sir, the hon. the Law Member was good enough to suggest to me that he would invite discussion on this particular matter just a short time back. Now, Sir, let me at once explain the difficulties that I feel in this matter. As I said yesterday, as it was a consolidating and amending measure, we thought it our duty to press very strongly on the attention of this House particular amendments relating to the divesting of the High Court of its powers with reference to the appointment of district munsifs and the vesting of such powers in the Local Government. The difficulties placed in our way were pointed out to us with reference to the *ultra vires* nature of our amendments. In view of the suggestion made by the hon. the Law Member now, those difficulties may temporarily be got over, that is to say, if this measure is not to be regarded as a consolidating measure and if the amendments are to be restricted to those particular provisions of the Act which are necessary to be amended in view of the conferring of powers on the temporary courts, etc., the other question does not arise. Apart from the question of *ultra vires*, with regard to the powers of High Court over appointments, I would request the Government to state whether they have made up their minds on this question. The hon. the Law Member is aware that the particular question I have referred

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to, namely divesting the power of the appointment of munsifs from the High Court, has been before the House for some years. And certainly it has been in a very acute form before the hon. the Law Member ever since we went into the Select Committee on the Madras Civil Courts Bill. I find that practically every one of the Members has agreed to it, except my friend, the hon. and learned Member for the University, who goes to the other extreme of divesting the power of the Local Government with reference to the appointment of sub-judges and vesting that power in the High Court. Practically every Member of the Select Committee has been of opinion that some change is required in section 7 of the Madras Civil Courts Act."

Rai Bahadur T. M. NARASIMHACHARIU :—" May I say, Sir, that there are also others who agree with the hon. Member for the University ? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" And some others also, though not on the Select Committee. "

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I make a correction, Sir ? I was also on the Select Committee. The point was brought forward, but a ruling was given by the Government of India against it, and it was not considered at all. Though the question was brought up, objection was taken, and it was not considered at all. "

* The hon. Mr. C. P. RAMASWAMI AYYAR :—" The matter came up for decision before me as the Chairman of the Select Committee. I had to give a ruling as to whether the discussion could proceed on the basis of certain amendments, and I gave a particular ruling. And thereupon the very question was raised by some hon. Members as to whether they would be at liberty to put forward their contentions by way of minutes of dissent, and it was agreed, I think, that any substantial suggestions in a sense contrary to that ruling should be and ought to be put forward in minutes of dissent, so that those questions might be raised at the proper time and in the proper manner. "

Mr. A. RAMASWAMI MUDALIYAR :—" I am very thankful to the hon. Members for these interruptions. But the point I was arguing was this : that this particular question of the appointment of district munsifs was specifically and acutely before the hon. the Law Member ever since the Select Committee first met and that he was made aware of the fact that there was some feeling in certain sections of the House that this question ought to be considered. But that question could not be considered in the Select Committee because the Chairman ruled it *ultra vires*, and I am threatened with the same ruling now because the overwhelming legal opinion of the hon. the Advocate-General and the Government of India seems to be against it. But what I want to ask the hon. the Law Member is this. Knowing that there was a strong feeling in this House, or at least in certain sections of it, is the hon. the Law Member in a position to say at present that this Government have considered this question and, if so, what the recommendation which the Government are prepared to make is ? Yesterday, for instance, a suggestion was thrown out that this may be agitated in the Legislative Assembly and that a private Member may introduce a Bill in that House. I want to know—the hon. the Law Member may not give an answer—what are the prospects of a private Member making that demand in the Assembly. The hon. the Law Member knows very much more thoroughly than myself that immediately a Bill of that nature is given notice of in the Assembly, the Government of India are bound to refer it to the Local